04/11/24 • BIG CHEMICAL › VIEWS

EPA Fails to Ban Pesticide Despite 'Enormous Toll on Rural America'

A federal court twice banned dicamba, a potent, volatile, drift-prone pesticide that has been wreaking havoc on farmers, rural communities and the natural world for seven years. The EPA reapproved the weedkiller after the first court action. Will it do so once again?

By The New Lede

10

Miss a day, miss a lot. *Subscribe to The Defender's Top News of the Day.* ***It's free.***

By Bill Freese

In early February, something rather extraordinary happened in the world of American farming. For the second time, a federal court banned the hazardous herbicide dicamba, which has been wreaking havoc on farmers, rural communities and the natural world for seven long years.

The U.S. Environmental Protection Agency (EPA) reapproved dicamba after the first court action. Will it do so once again?

What about dicamba makes it so hazardous that courts have overruled EPA twice? It's an incredibly volatile, drift-prone weedkiller and extremely potent as well: just one teaspoon over an acre stunts tomato plants.

It vaporizes while being sprayed, but also evaporates from plant surfaces and soil days after a spraying operation. Once the vapor is airborne, it forms clouds that drift long distances to kill or injure virtually any flowering plant in its path.

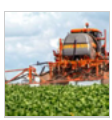
And that's precisely what happened following Monsanto's 2016 introduction of soybeans and cotton genetically engineered (GE) to withstand dicamba's killing effects. Widespread planting of these new GE crops triggered a dramatic upsurge in use during late spring and summer when heat enhanced dicamba's

Donate Now

You make the difference.

GUIDESTAR PLATINUM SEAL OF TRANSPARENCY 2020

Latest News


Taxpayers Stuck With Bill to Clean Up Water Polluted by Big Ag's Chemical Fertilizer, Animal Waste

Target Illegally Collects Customers' Biometric Data, Class Action Lawsuit Alleges

In Japan, Tens of Thousands Protest WHO's 'Supranational Grab Over Global Health'

MORE NEWS

Latest Views

WHO Report Predicting 77% Rise in Cancers by 2050 Ignores 'Turbo Cancers' in Young People

'Very Bad Idea': Harvard M.D. Wants to Let Pharmacies Hand Out Antidepressants Without a Prescription

COVID Shots During Pregnancy Linked With Rise in Fetal Deaths, Leaked Emails Suggest

MORE VIEWS

volatility.

Dicamba has drifted rampantly from these GE fields, damaging millions of acres of non-dicamba-resistant soybeans. Wave after wave of dicamba vapor drift killed fruit trees or left them with small, unsaleable fruit.

Vegetable farms and gardens were devastated. Trees in natural areas suffered. And beekeepers reported steep drops in honey production where dicamba had devasted the flowering plants their bees require for nectar and pollen.

Echoing many of his colleagues, North Dakota pesticide expert Andrew Thostenson stated: "We are in unprecedented, unchartered territory. We've never observed anything on this scale since we've been using pesticides in the modern era."

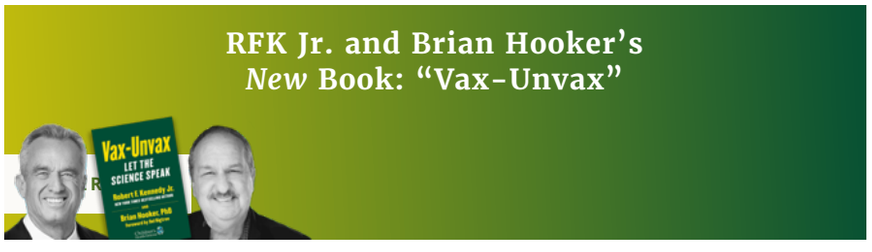
Center for Food Safety and scientists warned the EPA about the hazards of the dicamba crop system as early as 2010 but were ignored.

So we teamed up with family farmers and environmental groups to sue the agency as soon as it approved three dicamba products for "over-the-top" spraying on dicamba-resistant GE crops in 2017.

That lawsuit culminated in the first court decision, which rescinded those dicamba approvals in June 2020. The 9th Circuit U.S. Court of Appeal's emphatic ruling reflected how egregious EPA's violations of pesticide law had been.

Among six major findings, the court noted the "enormous and unprecedented damage" caused by dicamba drift and the extraordinary fact that "EPA refused to quantify or estimate the amount of damage … or even to admit that there was any damage at all."

Rather than accept the decision, the Trump administration's EPA assigned a team of 50, working overtime, to resurrect the court-rescinded products in October 2020. The pretext for reapproval was a few more studies and a few additional control measures.



The same groups sued the EPA again, and after three more years of devastating dicamba damage, the second court ruling was issued on Feb. 6.

Like the 9th Circuit nearly four years ago, the U.S. District Court of Arizona canceled three dicamba products.

The court described how the continuing high number of dicamba drift episodes demonstrated that EPA had been wrong to put faith in the efficacy of the additional control measures introduced in 2020, and noted EPA's continuing failure to "assess costs from offsite movement."

The court found that EPA, in reapproving dicamba in 2020, violated the public input requirement of pesticide law.

This violation was "very serious" because it deprived farmers and others of the opportunity to tell the EPA about the damage they incurred from dicamba drift, which could have altered the agency's 2020 decision on whether not to reapprove, and if so under what conditions.

What will happen now? Well, EPA has issued an "existing stocks" order that permits "millions of gallons" of the three dicamba products that had already entered commerce prior to Feb. 6 to be applied this year, according to the (otherwise canceled) product labels: until June 30 on soybeans and July 31 on cotton.

On March 11, Bayer applied to the EPA for reregistration of its dicamba product,

Get FREE News & Updates!

First Name..

Last Name..

Email..

SIGN UP

Get Text Alerts

Sign up for breaking news from The Defender.

Currently only eligible for numbers in the U.S. and Canada.

1234567890

Phone

REQUIRED. Phone number must be in a standard 10-digit format: 1234567890 or 123-456-7890

CONTINUE

XtendiMax, for the 2025 season.

In making any decision for 2025 or beyond, EPA Administrator Michael Regan and his staff must finally own up to the agency's past errors, and account for the enormous toll dicamba has taken on rural America and the natural world.

EPA must grapple with the fates of people like the Flamm family, whose fifth-generation, southern Illinois peach and apple orchard, founded in 1888, has been hit repeatedly with dicamba drift since 2018.

Dicamba curls their trees' leaves, which fall to earth prematurely, resulting in sunburned and stunted fruit. As of 2022, the Flamms' had lost $1 million in apple production alone, and as many as 6,000 trees.

Then there is Iowa farmer Rob Faux, who can no longer grow bell peppers nor rely on his farm for income thanks to devastating dicamba damage.

South Dakota grower John Seward, who has seen his vegetable farm decimated several times by airborne dicamba, may be forced to give up farming as a result.

"The Wuhan Cover-Up"
by Robert F. Kennedy Jr.

ORDER NOW

That dicamba could shut down a farm is no news to Bill Bader, whose peach orchard in the Missouri Bootheel was decimated by multiple exposures to the herbicide over the years. Bader's farm has suffered not only from airborne drift but also from dicamba in the very rain that falls on this region.

And Arkansas beekeeper Richard Coy was forced to move his operation to Mississippi to escape the devastating impacts of dicamba drift on the flowering plants his bees require for sustenance.

All told, EPA has received reports of over 80 different types of plants damaged by dicamba in 29 states, including pepper, squash, pumpkin, cucumber, melon, peas, potato, rice, sugarbeet, peanut and grapes, among others.

Soybeans are among the most dicamba-sensitive of crops, and according to the U.S. Department of Agriculture (USDA), up to 15.6 million acres were injured in 2018 alone.

Depending on circumstances, dicamba drift has triggered everything from moderate damage, such as the collective $7 million in lost yields incurred by 200 Minnesota soybeans farmers, to the catastrophic, exemplified by Arkansas soybeans damaged so badly by dicamba as to yield just five bushels per acre, versus a typical 50 bushel/acre harvest.

If Regan decides to reapprove dicamba, he would not only be affirming the rightness of putting more farmers under financial stress and out of business but also of stymieing new farmers before they even get started.

The already daunting prospect of starting a new farm is made next-to-impossible if you are unlucky enough to break ground in the land of dicamba.

Consider the case of Brad Miller, who purchased a small farm near Greenfield, Iowa in 2021.

Over the following two years, he has seen his newly planted orchard, vegetable garden, alfalfa, canola and clover come to naught thanks to dicamba drift: trees were stunted; vegetable plants did not produce; radishes, turnips and canola died; alfalfa stopped growing. Neighbors lost all their tomatoes and similar vegetables.

In a complaint lodged with EPA, Miller "expressed shock that this would happen," that "someone would be allowed to spray something … that would come onto his property and damage it."

We agree. How could the EPA permit this?

These are just a sprinkling of the many thousands of cases of dicamba damage, none of them acceptable. But the impacts go still deeper. Dicamba poisons not only the air but also farming communities.

Dicamba drift damage has created deep divisions in rural America, with those who spray the herbicide at loggerheads with those whose crops are damaged by it. In the words of the 9th Circuit, dicamba "has torn apart the social fabric of many farming communities."

Why has it taken civil society groups filing lawsuits and court decisions to take dicamba off the market? One might have expected better from the Biden administration's EPA, which in March 2021 proclaimed a commitment to "scientific integrity" in regulatory decision-making.

The EPA acknowledged that some important decisions had been corrupted by "political interference" during Trump's reign, citing dicamba as an example.

Despite this commitment, and a damning EPA report laying out dicamba's many harms in December 2021, the agency has failed to take the necessary step and cancel dicamba's registrations. That cowardice has condemned farmers to three more years of crop damage.

I suspect EPA's inaction has something to do with the political clout of dicamba manufacturers Bayer and BASF, as well as the many Big Ag commodity and trade groups that are joined at the hip to these companies. And not just their raw political power, but their false narratives as well.

One myth — that drift is attributable to older formulations of dicamba — is decisively refuted by state investigators, for instance in Indiana, who established that 92% of dicamba damage incidents were in fact due to the formulations approved for use on GE crops.

Similarly, the industry has sought to convince EPA that agriculture will suffer without dicamba. But nothing could be further from the truth.

EPA scientists have identified dozens of alternative herbicides registered for use with soybeans and cotton, while USDA's most recent survey of soybean farmers' chemical use (2020) includes 53 herbicides other than dicamba or glyphosate. Farmers managed weeds before the dicamba system was introduced in 2017, and they will do so without it.

Scare stories about potential yield loss without dicamba are equally ridiculous. EPA found no evidence to support Bayer's claim that dicamba increases yield, while impartial university field trials showed that dicamba-resistant soybeans yielded less than Roundup Ready varieties.

Thus, it's not surprising that average soybean yields have hardly budged since 2017, after growing substantially over the prior two "dicamba-less" decades.

The most perverse myth of all is that dicamba is needed to prevent the development of weeds resistant to other herbicides — perverse because it obscures the real story, which is that excessive reliance on dicamba is already driving the evolution of dicamba-resistant weeds in multiple states.

This development is drawing comparisons to the explosive emergence of glyphosate-resistant weeds with the widespread planting of Roundup Ready crops. The only real solution to weed resistance is less reliance on herbicides overall, and in particular abandonment of the GE herbicide-resistant crop systems that are such potent promoters of weed resistance.

Greater use of cultural techniques like complex crop rotations and cover crops can also suppress weeds.

In short, the sky will not fall if EPA does the right thing and abstains from resurrecting dicamba once again.

Good things, however, would certainly follow. The legions of growers who have purchased Monsanto's expensive dicamba-resistant soybean seeds simply to avoid crop injury, for self-protection, will regain the freedom to farm the seeds of their choice and save money as well.

Small seed firms that sell those alternative seeds will also benefit by regaining customers they lost to Bayer, which became the world's largest seed company when it bought Monsanto in 2018. And public sector soybean breeding programs will no longer see their experimental plantings devastated by dicamba drift.

Perhaps most importantly, courageous farmers who dare to diversify the Midwestern landscape of corn and soybean fields by growing fruits and vegetables or keeping bees will once again be able to farm without fear of seeing their livelihoods devastated by this herbicidal menace.

Originally published by The New Lede.

Bill Freese is the science director for the Center for Food Safety.

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the views of Children's Health Defense.

Subscribe to The Defender – It's Free!

First Name.. Last Name.. Email.. SIGN UP

SUGGEST A CORRECTION

The New Lede

The New Lede is a news initiative specializing in coverage of environmental issues that are critical to the health and well-being of people everywhere.

Sign up for free news and updates from Children's Health Defense. CHD focuses on legal strategies to defend the health of our children and obtain justice for those injured. We can't do it without your support.

Republishing Guidelines

Children's Health Defense Comment Policy

We welcome relevant and respectful comments. Off-topic comments may be removed.

Please read our Comment Policy before commenting.

Got it

10 Comments Login

Join the discussion…

LOG IN WITH OR SIGN UP WITH DISQUS

Name

Share Best Newest Oldest

Jim McKeaige

6 days ago

We live in Eastern Iowa on a small 12 acre parcel. Frequently over the last 20 years we have had problems with 'Sprayer Drift', because adjacent 60 acre farms have sprayed carelessly without regards to winds directions or with Chemicals that have stunted and attacked our orchard and gardens !
Our only recourse is to stop the stupid sprayer driver, and threaten to sue the farm , and chemical suppliers for damages !

IN my opinion, the E.P.A. and the U.S.D.A. are almost completely useless Federal Government agencies.

Monsanto and Bayer are two of several Offending Chemical companies.

They could give a ' rats a** about anyone else !

3 0 Reply

brbg
5 days ago

Well, one of the globalist plans is to cause famine and depopulation. Pretty soon only those Big Agra farms will produce chemical-laden food for the public.

2 0 Reply

Zulugroove
5 days ago

Farmers using it should be torched out !

1 0 Reply

Wombat961
2 days ago

I notice some Trump blaming here. What has Biden done about this in the last 3 years?

0 0 Reply

Sandburners
3 days ago

I live in Southern Illinois. I know of the Flamms, and have even been an acquaintice of one long ago. Just about everyone in this area knows of them & their operations, including their stores frequented by tourists. I'm shocked I hadn't heard about their dicamba losses before this. I always suspected the local media was purposely overlooking many stories such as this, & it's grown worse since the regional newspaper was sold by Lee Enterprises to a Paducah, Ky newspaper, The Paducah Sun. The new owners continue to publish our regional newspaper, but it's not the same at all. Even more censorship of anything liberal or revealing.

0 0 Reply

ME MCC
6 days ago

Yet another USELESS government agency!!! They are no longer doing their job and need defunding.

0 0 Reply

Norseman
6 days ago

Very little dicamba is used around tomato plants. Tomatoes are not grown commercially in the mid-west where wheat, barley, corn, and dicamba resistant soybeans are grown and it had been a very useful product here. Almost all of the dicamba is used on these crops. I grow tomatoes for my personal use and I live in near farm fields and it has never been an issue.

0 2 Reply

Fred Secret → Norseman
6 days ago

So we see the Monsanto trolls are already commenting...

2 0 Reply

BChristine → Fred Secret
6 days ago

Agreed. This person is either very ignorant as to what is going on, or they are in fact a troll, as you said.

1 0 Reply

Sandburners → Norseman
3 days ago

You've been lucky.

0 0 Reply

Subscribe Privacy Do Not Sell My Data

Children's Health Defense

Children's Health Defense® is a 501(c)(3) non-profit organization. Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable and establish safeguards to prevent future harm. We fight corruption, mass surveillance and censorship that put profits before people as well as advocate for worldwide rights to health freedom and bodily autonomy.

THE DEFENDER IS AVAILABLE IN:

ENGLISH SPANISH PORTUGUESE GERMAN ITALIAN FRENCH

TAKE ACTION

DONATE FREE SIGN-UP BECOME A MEMBER

Donations are tax deductible to the full extent of the law. EIN #26-0388604

Children's Health Defense • Legal Disclaimer • Terms of Use • Privacy Policy • Donate • About Us • Work for CHD • Contact • Social • Membership Login & FAQ

© 2016 - 2024 Children's Health Defense® • All Rights Reserved • Sitemap